

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINH Q. NGUYEN,

Defendant.

NO. CR19-091RAJ

ORDER GRANTING STIPULATED  
MOTION TO CONTINUE TRIAL  
AND OTHER DEADLINES

This matter comes before the Court on the stipulated motion of the parties to continue the trial in this matter, and to set a new pretrial motion cutoff consistent with that new trial date. Having considered the motion and all the files and records herein, the Court finds and rules as follows:

This is the fourth motion to continue the trial date in this matter. The current trial date of July 20, 2020 has already been continued due to the COVID-19 pandemic, pursuant to this Court's General Order 08-20, Court dated May 13, 2020.

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Stipulated Motion to Continue, incorporated by this reference, and include the following: (a) the substitution of defense counsel into the case earlier this year (b) the volume of discovery produced; (c) the impact of the COVID-19 pandemic on this Court's operations, as set forth in this Court's General Orders on that subject, including in

1 General Order 08-20; (d) the impact of the COVID-19 pandemic on defense counsel's  
2 ability to meet and confer with Defendant, who is detained at FDC SeaTac and which has  
3 modified operations in an attempt to prevent the introduction of the virus into the facility;  
4 and (e) the need for defense counsel to have sufficient time to review the discovery,  
5 evaluate possible pretrial motions and to prepare for trial.

6 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
7 3161(h)(7)(B)(i) and (iv), that a continuance of the trial date is in fact necessary due to  
8 the facts set forth in this Court's General Order 08-20. In addition, the Court further  
9 finds that a failure to grant the continuance in this particular case would be a miscarriage  
10 of justice, and would deny counsel for the parties the reasonable time necessary for  
11 effective preparation, due to defense counsels' need for more time to review the  
12 considerable volume of discovery and evidence produced and still to be produced and to  
13 consider possible defenses and motions, taking into account the exercise of due diligence.

14 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
15 3161(h)(6) and (7), that this is a reasonable period of delay in light of the public health  
16 emergency, and also because Defendant has indicated he requires more time to prepare  
17 for trial. The Court finds that given Counsel's relatively recent substitution into this case,  
18 the impact of the public health emergency, the complexity of the case, and the volume of  
19 discovery produced, that more time is, in fact, necessary.

20 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,  
21 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a  
22 continuance, and that they outweigh the best interests of the public and the defendants in  
23 a speedy trial.

24 THIS COURT FURTHER FINDS that all of the additional time requested  
25 between the current trial date of and the new trial date of October 5, 2020, is necessary to  
26 provide counsel for the Defendant the reasonable time necessary to prepare for trial.  
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1 NOW, THEREFORE, IT IS HEREBY ORDERED that the parties' stipulated  
2 motion (Dkt. #37) is GRANTED. The trial date in this matter is continued from July 20,  
3 2020, to October 5, 2020 at 9:00 a.m.

4 IT IS HEREBY ORDERED, that all pretrial motions, including motions in limine,  
5 shall be filed no later than September 3, 2020.

6 IT IS FURTHER ORDERED that the time between the date of this order and the  
7 new trial date of October 5, 2020, is excluded in computing the time within which a trial  
8 must be held pursuant to Title 18, United States Code, Section 3161, et seq.

9 DATED this 16th of June, 2020.

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12 The Honorable Richard A. Jones  
13 United States District Judge  
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